

GENOVA & MALIN, LLP.  
Attorneys for the Debtor  
1136 Route 9  
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Andrea B. Malin, Esq.  
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**DATE: SEPTEMBER 22, 2020**  
**TIME: 9:00 A.M.**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

THERESA CRUZ,

**CHAPTER 13**  
**CASE NO. 15-35798 (CGM)**

Debtor.

-----X

**FINAL FEE APPLICATION OF SOBO & SOBO, LLP., AS SPECIAL  
COUNSEL FOR THE DEBTOR FOR APPROVAL AND  
ALLOWANCE OF COMPENSATION FOR SERVICES  
RENDERED AND FOR REIMBURSEMENT OF EXPENSES  
FROM JUNE 19, 2018 THROUGH AUGUST 6, 2020**

Name of applicant: SOBO & SOBO, LLP.

Authorized to provide  
professional services to: Debtor

Date of Retention: June 19, 2018

**Final Fee Application Period** for  
which compensation and  
reimbursement is sought: June 19, 2018 through August 6, 2020

Amount of Compensation sought  
as actual, reasonable and necessary  
for the **Final Fee Application Period:** \$30,755.41

This is an : \_\_\_\_\_ interim \_\_\_\_X\_\_\_\_ final application

This is the first and final fee application filed by SOBO & SOBO, LLP. with respect to the debtor for the time period specified herein.

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IN RE:

THERESA CRUZ,

**CHAPTER 13  
CASE NO. 15-35798 (CGM)**

Debtor.

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**APPLICATION FOR FINAL ALLOWANCE OF COMPENSATION  
AND EXPENSES TO ATTORNEYS FOR DEBTOR UNDER  
11 U.S.C. SECTION 330 AND 11 U.S.C. §503(a)**

**TO THE HONORABLE CECELIA G. MORRIS, CHIEF U.S. BANKRUPTCY JUDGE:**

The application of PETER IANNUZZI, ESQ. of SOBO & SOBO, LLP.,  
respectfully represents:

**GENERAL BACKGROUND**

1. On May 1, 2015, THERESA CRUZ (the “debtor”), filed a petition with this Court for relief pursuant to Chapter 13 of the Bankruptcy Code.
2. On or about June 19, 2018, the debtor entered into a retainer agreement with the law firm of SOBO & SOBO, LLP. (the “firm”) to represent her in a personal injury action.
3. On September 17, 2019, an Order Approving Employment of Special Counsel was entered by this Court. (See this Court’s docket.)
4. On or about June 19, 2018, the firm commenced an action for personal

injury in the New York Supreme Court.

4. On or about July 23, 2020, the debtor received and accepted an offer to settle the personal injury action.

4. The debtor's Motion to Approve the Settlement is scheduled to be heard by this Court on September 22, 2020.

5. SOBO & SOBO, LLP., on behalf of the debtor, has been responsible for representing the debtor throughout the pendency of the personal injury action and settling the debtor's personal injury lawsuit.

#### **APPLICATION FOR FEES**

6. This application is made by PETER IANNUZZI, ESQ. on behalf of the firm, for an allowance of compensation for professional services rendered to and on behalf of the debtor from March 4, 2015 through March 24, 2016.

7. The firm has acted as legal counsel to the debtor and has performed all of the necessary professional legal services in connection therewith, the firm regularly maintains records of disbursements in the rendition of such services and the costs and expenses incurred. The entries in such records were made in the ordinary course of the firm's business, concurrently with the rendition of such services and the incurring of such costs and expenses. A copy of the Retainer Agreement is annexed hereto and made a part hereof as **Exhibit "A"**. A copy of the Attorney Disbursements Breakdown is annexed hereto and made a part hereof as **Exhibit "B"**. Some of the areas in which your applicant has rendered professional legal services to and on behalf of the debtor are set forth in the following summary.

## **ALLOWANCE OF COMPENSATION**

8. The allowance of compensation to estate professionals is governed by Section 330(a)(1)(A) of the Bankruptcy Code, which authorizes courts to award “reasonable compensation for actual, necessary services rendered.” Section 330(a)(3) provides guidance for determining whether compensation is reasonable, pointing out that courts should:

consider the nature, the extent, and the value of such services, taking into account all relevant factors, including - (A) the time spent on such services; (B) the rate charged for such services; (C) whether the services were necessary to the administration of, or beneficial at the time which the service was rendered toward the completion of a case under this title; (D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed; (E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and (F) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

The congressional policy expressed above provides for adequate compensation in order to continue to attract qualified and competent professionals to bankruptcy cases. In re Drexel Burnham Lambert Group, Inc., 133 B.R. 13, 18 (B.Ct.S.D.N.Y. 1991) (“Congress’ objective in requiring that the market, not the Court, establish attorneys’ rates was to ensure that bankruptcy cases were staffed by appropriate legal specialists.”). The firm respectfully submits that consideration of these factors should result in the Court’s allowance of the full amount of compensation sought.

## **SUMMARY OF PROFESSIONAL SERVICES RENDERED**

### **DISBURSEMENTS** (\$2,422.08)

9. On June 19, 2018, the debtor retained the firm to represent her in a personal injury case.

10. From June 19, 2018 through August 6, 2020, the firm worked toward the settlement of the debtor's cause of action.

11. In pursuing settlement, the firm was required to obtain medical records, transcripts, expert witness reports, and incurred administrative costs.

12. Pursuant to the parties' approved retainer agreement, your applicant was to  
reimbursed for its expenses, and costs and disbursements from the settlement proceeds.

13. The disbursements incurred by your applicant total TWO THOUSAND FOUR HUNDRED TWENTY-TWO DOLLARS AND EIGHT CENTS (\$2,422.08).

**SETTLEMENT** (\$28,333.33)

14. Settlement was reached in the debtor's case in the gross amount of EIGHTY-FIVE THOUSAND DOLLARS (\$85,000.00).

15. Pursuant to the parties' approved retainer agreement, your applicant was to  
receive thirty-one and one-third percent (33 1/3%) of the settlement proceeds as a fee. The attorneys' fee for said settlement, as defined in the attorney retainer agreement, is TWENTY-EIGHT THOUSAND FIFTY DOLLARS (\$28,333.33).

**COMPLIANCE WITH GUIDELINES**

16. PETER IANNUZZI, ESQ. believes that this Application substantially complies with the Guidelines. To the extent there has not been material compliance with any particular rule or guideline, PETER IANNUZZI, ESQ. respectfully requests a waiver or opportunity to cure.

17. No previous allowance has been made to your applicant for the services rendered as hereinafter set forth and no previous application has been made therefor to this

Court, or any other court, for compensation. Your applicant has not, in any form or guise, shared or agreed to share compensation to be received by it or any other person for services rendered in connection with this matter. No agreement or understanding prohibited by 18 U.S.C. §155 has been made by your applicant.

**WHEREFORE**, your applicant respectfully requests that the Court enter an Order under 11 U.S.C. §§330 and 503 allowing final compensation in the sum of TWENTY-EIGHT THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS AND THIRTY-THREE CENTS (\$28,333.33) and fees and expenses in the sum of TWO THOUSAND FOUR HUNDRED FORTY-TWO DOLLARS (\$2,442.08); all totaling the sum of THIRTY THOUSAND SEVEN HUNDRED FIFTY-FIVE AND FORTY-ONE CENTS (\$30,755.41); and for such other and further relief as to the Court may seem just and proper.

Dated: Wappingers Falls, New York  
August 10, 2020

SOBO & SOBO, LLP.  
Special Counsel for the Debtor

By: /s/ Peter Iannuzzi  
Peter Iannuzzi, Esq.  
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GENOVA & MALIN, LLP.  
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By: /s/ Andrea B. Malin  
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